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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/912,873	07/25/2001	Akito Kohno	393032027100	7246

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EXAMINER	
SELLERS, DANIEL R	

ART UNIT	PAPER NUMBER
2615	

MAIL DATE	DELIVERY MODE
09/04/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/912,873	KOHNO ET AL.	
	Examiner	Art Unit	
	DANIEL R. SELLERS	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 June 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *8-13* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *8-13* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 July 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 8-13 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 8-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Roland (previously cited) further in view of Yamamoto et al., US 5,602,358 A (previously cited pertinent art, hereinafter Yamamoto).

4. Regarding **claim 8**, Roland teaches a recording/reproducing mixer (pp.12-13), comprising:

a plurality of input channels (p. 12, first paragraph of "Disk Recorder Section");
a channel selector that selects the input channels (pp. 14-17, teaches various input controls, p. 36, "Switching Track Conditions" and pp. 41-43, "Making Mixer Settings Automatically (EZ Routing)");
a processing device that performs processing including equalizing, volume control and adding effects to audio signals from the selected input channels; (p. 30, "Connecting Effects")
a mixing device that mixes audio signals from the processing device (p. 25, "Input Mixer" and p. 26, "Track Mixer");
an output device that outputs the audio signals mixed by the mixing device (p. 27, "Master Block");
a recorder/reproducer that records audio signals to a plurality of tracks, said audio signals comprising at least one of an audio signal mixed or to be mixed or audio signal bypassing said mixing device (p. 27, "Recorder Section");
a reading device that reads the audio signal from each track (p. 13, "Substantial Options", teaches a 2.5" hard drive);
a supplying device that supplies the audio signal read from each track to corresponding input channel (p. 26, "Track Mixer", teaches connections between recorder and track mixer) ;
a solo mode selector that selects a solo mode (pp. 162-163, "Listening Only to a Specific Channel (Solo/Mute)" and p. 163, "About Solo Mode");

a solo channel selector that selects at least one of the plurality of input channels corresponding to at least one track for the solo mode (p. 14, units 4 and 12 and p. 162, "Listening Only to a Specific Channel (Solo/Mute")*;*

a listening mode selector that selects a listening mode (p. 76 "SW (Equalizer Switch)" teaches bypassing the EQ and p. 16, units 11 and 13 are used to make this selection)*;*

a track selector that selects said at least one track for the listening mode (p. 14, unit 4)*; and*

an output controller that controls, for the solo mode, the channel selector to select the input channel selected by the solo channel selector instead of the input channel originally selected by the channel selector so as listen to said at least one track processed by said processing, and controls, for the listening mode, the output device to output the audio signal directly from the track selected by the track selector by diverging the audio signal before inputting the audio signal to the processing device without supplying the audio signal to the processing device. (pp. 75-77, "Adjusting the Tone", teaches an EQ for each channel, p. 76 "SW (Equalizer Switch)" teaches bypassing the EQ, and pp. 103-105, teaches external effects (EFX1) can be turned on, in various configurations, and off, and also see p. 30, "Connecting Effects", specifically the "Send/Return" feature).

Roland teaches a recording/reproducing mixer with these features, but does not appear to specifically teach diverging the audio signal without supplying the audio signal to the processing device.

Yamamoto teaches a mixing device, wherein the effect signals can be turned off to compare it to a signal having no effects (column 3, line 63 - column 4, line 17). Yamamoto teaches a bypass switch, which reduces the mixing multiplying coefficient to zero (see column 10, lines 9-19, column 11, lines 16-29, and figure 3, units 210-213), and the signal having no effect is allowed to pass fully for listening (figure 3, units 206-209). It would have been obvious for one of ordinary skill in the art at the time of the invention to move the multiplying blocks (206-213) to precede the effects block so that the effects block could be turned off to save power. It would have been obvious for one of ordinary skill in the art at the time of the invention to combine the teachings of Roland and Yamamoto for the purpose of monitoring a specific channel with no effects.

5. Regarding **claim 9**, the further limitation of claim 8, see the preceding argument with respect to claim 8. The combination teaches the features of claim 8 and the feature, wherein a starting position designating device that designates a starting position of reading out the audio signals, and wherein the reading device starts to read the audio signals from the designated starting position (see Roland, p. 63, "Recording Over a Portion of a Performance (Punch-In/Punch-Out)").

6. Regarding **claim 10**, the further limitation of claim 8, see the preceding argument with respect to claim 8. The combination teaches the features of claim 8 and the feature, wherein a position storing device that stores a reading position when the listening mode is selected, and wherein the reading device starts to read the audio signals from the stored reading position (see Roland, p. 62, steps 8-11).

7. Regarding **claim 11**, the further limitation of claim 8, see the preceding argument with respect to claim 8. The combination teaches the features of claim 8 and the feature, wherein a solo mode can be selected when the listening mode is not selected (see Roland, p. 163, teaches that the effects are active on each channel in this mode).

8. Regarding **claim 12**, see the preceding argument with respect to claim 8. The combination teaches these features.

9. Regarding **claim 13**, see the preceding argument with respect to claim 8. The combination teaches these features.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Modeste et al. (Previously cited, USPN 5,852,800) - teaches a typical mixing console with solo controls (figure 6);

Wiser et al. (Previously cited, USPN 6,959,220) - teaches bypassing audio signal processor (120) (column 18, line 56 - column 19, line 3); and

Williams, Jr. (US 5,896,459) - teaches a mixer with a mixed dry signal (i.e. mixed signal with no effects), a mixed wet signal (i.e. mixed signal returned from effects processing), and a combined mixed signal (i.e. mixed signal comprising both the dry and wet mixes) (column 1, lines 28-54, column 3, line 57 - column 4, line 10, and figure 3).

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL R. SELLERS whose telephone number is (571)272-7528. The examiner can normally be reached on Monday to Friday, 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Suhan Ni can be reached on (571)272-7505. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel R. Sellers/
Examiner, Art Unit 2615

/Suhan Ni/
Primary Examiner, Art Unit 2614